

**REMARKS**

Claims 1-7 are pending. Claims 8-16 are new. The Applicants respectfully request reconsideration and allowance of this application in view of the above amendments and the following remarks.

The Applicants note with appreciation the acknowledgement of the claim for priority under section 119 and note that all of the certified copies of the priority documents have been received.

The Applicants also appreciate receiving a copy of form PTO-1449, on which the Examiner has initialed all listed items.

Claims 1 and 4 are objected to because of insufficient antecedent basis in lines 2-3 of both claims. Claims 1 and 4 have been amended to overcome the noted informalities.

The Examiner has indicated claims 1-3 would be allowable if claim 1 is amended to overcome the above objections. The Examiner's indication of allowability is noted and appreciated. As claim 1 has been amended to overcome the above objection, claims 1-3 are now in allowable form.

Claims 4-7 are rejected under 35 U.S.C. 112, second paragraph as being allegedly indefinite. Without addressing the merits of the Examiner's rejection, Applicants have amended claim 4 to improve clarity. Claims 5-7, being dependent from claim 4, are believed to be in allowable form. Therefore, the Applicants respectfully request the 35 U.S.C. 112 rejection of claims 4-7.

Claims 4-6 stand rejected under 35 U.S.C. 102(e) as being anticipated by Saita et al. (U.S. 6,293,581). This rejection is respectfully traversed.

In making the rejection, the Examiner asserts that Saita teaches a lower end of the inflation parts 37 located on the side of the seat recliners 19 are higher than the lower ends of the other inflation parts 27, thereby preventing the lower end of the inflation parts 37 from interfering with the upper ends of the seat recliners 19. The Applicants disagree with this characterization.

Saita shows an inflatable curtain device with two inflatable cell groups 36, 37, where inflatable cell group 36 extends essentially at the front of the car, from the front pillar 11 to the center pillar 12 and where inflatable cell group 37 extends essentially from behind the center pillar 12 to the rear pillar 15 (FIG. 2). Saita also shows a non-expandable portion 21<sub>2</sub> of the inflatable cell group 37. Additionally, Saita shows the lower end of the inflatable cell group 37 is higher than the lower end of inflatable cell group 36 and non-expandable portion 21<sub>2</sub> of inflatable cell group 37. However, the Examiner incorrectly asserts that Saita discloses inflatable parts 27, as it actually discloses a sew line 27 joining two substantially similar ground shapes 25 and 26 of the airbag 21 (col. 8, lines 30-34 and FIG. 2, 3). Additionally, Saita discloses in FIG. 2 and 3 that the inflatable cell group 37, which has lower ends that are higher than those of inflatable cell group 36, is positioned next to the rear seat 20, not the recliner 19, and the inflatable cell group 36, which has lower ends that are lower than those inflatable cell group 37, is positioned next to the seat recliners 19.

As best understood by the Applicants, the assertion that Saita recites a lower end of the inflation parts located on the side of the seat recliners that are higher than the lower ends of the other inflation parts, thereby preventing it from interfering with the upper ends of the seat

recliners is respectfully traversed. Saita shows an inflation portion 36 located to the side of the seat recliners that is parallel with or lower than the other parts of the inflation parts 37 (FIG. 3). Additionally, Saita neither teaches nor suggests a mechanism to prevent the airbag from interfering with the upper ends of the seat recliners.

The present invention overcomes the deficiencies of Saita, as the lower end 57a of the inflation part 57 located on the side of the seat recliners 49a is higher than the lower ends 55a and 56a of the other inflation parts 55 and 56, thereby preventing the upper ends of the seat recliners 49a from interfering with the deployment of the lower end 57a of the inflation part 57 (FIG. 9).

Accordingly, it is respectfully submitted that a prima facie case of anticipation has not been established in that all the elements are not disclosed as required. The Applicants respectfully request the withdrawal of the 35 U.S.C. 102(e) rejection of claim 4.

Claims 5 and 6 are dependent from claim 4, which is believed to be in allowable form. Therefore, claims 5 and 6 are also believed to be in allowable form. The Applicants respectfully request that the 35 U.S.C. 102(e) rejection of claims 5 and 6 be withdrawn.

Claim 7 stands rejected under 35 U.S.C.103(a) as being unpatentable over Saita et al in view of Wallner et al (U.S. 6,308,982). This rejection is respectfully traversed.

Claim 7 depends from claim 1. As noted in the arguments above, with respect to Saita et al., claim 1 is believed to be in allowable form. Therefore, as no 35 U.S.C. 103(a) rejection of claim 1 has been alleged, claim 7 is believed to be in allowable form.

In addition, claim 7 is believed to be further allowable with respect to Saita in view of Wallner. As discussed in detail above, Saita neither teaches nor suggests the lower end of the inflation part located on the side of the seat recliners is higher than the lower ends of the other inflation parts, thereby preventing the upper ends of the seat recliners from interfering with the deployment of the lower end of the inflation part located on the side of the seat recliners.

Wallner describes an airbag device that actuates in the event of a side impact or a vehicle rollover. However, the combination of Saita and Wallner neither teaches nor suggests a device to avoid a seat headrest interfering with the deployment of a head protecting airbag, which may prevent the full and proper deployment of the airbag during a side impact or a vehicle rollover.

The present invention overcomes the deficiencies of Saita in view of Wallner, as the lower end 57a of the inflation part 57 located on the side of the seat recliners 49a is higher than the lower ends 55a and 56a of the other inflation parts 55 and 56, thereby preventing the upper ends of the seat recliners 49a from interfering with the deployment of the lower end 57a of the inflation part 57 (FIG. 9). Additionally, the present invention recites an air bag which deploys with inflation gas at the time of side collision or a roll-over. By providing unimpeded head protection deployment in both a side collision and a rollover, the present invention provides more complete and effective passenger protection in case of an accident.

New claim 8, by reciting a head protection airbag device with an inflatable front seat protective portion, an inflatable rear seat protective portion, a non-inflatable plate-like portion and a communicating portion, is believed to be allowable for at least the reasons set forth herein above. Support for the new claim can be found, for example, on page 19, lines 1-15, and page 24, line 17 to page 25, line 5 of the specification. Favorable consideration is requested.

New claim 9, by reciting a head protection airbag device where at least one of the plurality of inflation portions having a lower edge is higher than lower edges of other ones of the plurality of inflation portions, is believed to be allowable for at least the reasons set forth herein above. Support for the new claim can be found, for example, on page 21, lines 2-6 of the specification. Favorable consideration is requested.

New claim 10, by reciting a lower edge of the inflatable portion over the front seat being higher than the upper end of the front seat, is believed to be allowable for at least the reasons set forth herein above. Support for the new claim can be found, for example, on page 21, lines 8-11 of the specification. Favorable consideration is requested.

New claim 11, recites a head protection airbag device where at least one of the plurality of inflation portions having a lower edge is higher than lower edges of other ones of the plurality of inflation portions and is believed to be allowable for at least the reasons set forth herein above. Support for the new claim can be found, for example, on page 22, lines 3-10 of the specification. Favorable consideration is requested.

New claim 12, by reciting the lower edge of the inflatable portion over the rear seat is higher than the upper end of the rear seat, is believed to be allowable for at least the reasons set forth herein above. Support for the new claim can be found, for example, on page 22, lines 3-10 of the specification. Favorable consideration is requested.

New claim 13, by reciting the width of the lower end of the inflatable front seat protective portion over the front seat is wider than the width of the lower end of the inflatable rear protective portion over the rear seat, is believed to be allowable for at least the reasons set

forth herein above. Support for the new claim can be found, for example, on page 22, line 25 to page 23, line 12 of the specification. Favorable consideration is requested.

New claim 14, by reciting a head protection airbag device with an inflatable seat protective portion where the closed lower end of at least one of the inflation parts is positioned higher than the closed lower ends of the other inflation parts so as to be inflatable in an unobstructed manner above and adjacent to a vehicle seat, is believed to be allowable for at least the reasons set forth herein above. Support for the new claim can be found, for example, on page 21, lines 8-11 and page 22, lines 12-14 of the specification. Favorable consideration is requested.

New claim 15, by reciting a head protection airbag device with an inflatable front seat protective portion and an inflatable rear seat protective portion that are inflatable in an unobstructed manner, is believed to be allowable for at least the reasons set forth herein above. Support for the new claim can be found, for example, on page 19, lines 1-5 of the specification. Favorable consideration is requested.

New claim 16, by reciting a communication part that communicates a lower rear end of a front inflatable seat protective portion with a lower front end of a rear inflatable seat protective portion, is believed to be allowable for at least the reasons set forth herein above. Support for the new claim can be found, for example, on page 19, lines 17-23 of the specification. Favorable consideration is requested.

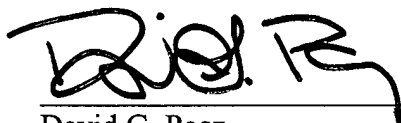
The Applicants note an error in the IDS submission filed on June 4, 2003. The incorrect application serial number "10/302,989" was inserted in the top right corner instead of the correct application serial number, "10/055,345." The Examiner is requested to take appropriate corrective action.

Serial No. 10/055,345

In view of the foregoing, the Applicants respectfully submit that this application is in condition for allowance. A timely notice to that effect is respectfully requested. If questions relating to patentability remain, the Examiner is invited to contact the undersigned by telephone.

Please charge any unforeseen fees that may be due to Deposit Account No. 50-1147.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'David G. Posz', written over a horizontal line.

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